

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

CLERK'S OFFICE U.S. DISTRICT COURT
AT HARRISONBURG, VA
FILED

OCT 17 2022

LAURA A. AUSTIN, CLERK
BY:  DEPUTY CLERK

ANTWHON SUITER,

Plaintiff,

v.

Case No.: 5:22-cv-31

DONALD SMITH, in his official capacity)
DYLAN JOHNSON, in his individual capacity,)
and his official capacity as Deputy of the Augusta)
County Sheriff's Department)

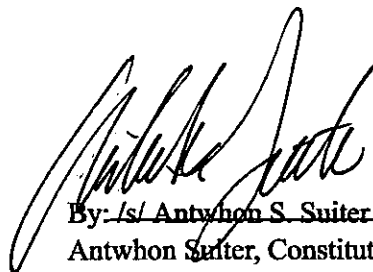
PLAINTIFF'S MOTION TO DISMISS DEFENDANT SHERIFF SMITH

Plaintiff, Antwhon Suiter, a *Pro Se* litigant, files this motion to Dismiss/Terminate Defendant Sheriff Donald Smith ONLY, in this case. Though Plaintiff Strongly Believes that Defendant Donald Smith is responsible for Deputy Dylan Johnson's actions, Plaintiffs Admits that he can not prove that Donald Smith himself knew of Johnson's retaliatory and illegal actions pertaining to Defendant Johnson's own Illegal traffic stop. Donald Smith Should make sure his deputies don't engage in illegal traffic stops that violate constitutional rights, but Smith would not and could not have known that Dylan Johnson was violating VA Code. § 19.2-59.

Plaintiff Antwhon Suiter Concedes to the Dismissal/Termination **SOLELY** of Defendant Sheriff Donald Smith. Pertaining to Defendant Sheriff Donlad Smith, Government officials may not be held liable for the unconstitutional conduct of their subordinates under a theory of respondeat superior. *Ashcroft v. Iqbal* 556 U.S. 662, 676 (2009). Liability may be imposed based only on an official's own conduct. *Danser v. Stansberry*, 772 F.3d 340, 349 (4th Cir. 2014).

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Respectfully Submitted,



By: /s/ Antwhon S. Suiter

Antwhon Suiter, Constitutional Activist
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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2022, I have filed this document with the Clerk of Court,

I hereby certify that I have Mailed by United States Postal Service the documents to Opposing Counsel at:

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Attorneys for Defendants Augusta County, Smith, Johnson, and ACSD
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Respectfully Submitted,

By: /s/ Antwhon S. Suiter
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HARRISBURG VA
OCT 17 2022